

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

PIRS CAPITAL, LLC,

Plaintiff,
-against

LANTERN OF SAYBROOK, INC.,
ORCUS SYSTEMS AND SOLUTIONS, INC. and
NESIAN MAKESH a/k/a NESIAN J. MAKESH,

Defendants.

Case No. 23-cv-10673

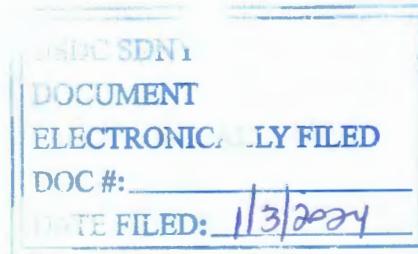
**STIPULATION &
ORDER TO REMAND**

REO ENCLASSED

This Stipulation is entered into by and between Plaintiff, PIRS CAPITAL, LLC ("Plaintiff"), and Defendant, NESIAN MAKESH a/k/a NESIAN J. MAKESH ("Defendant"), through their respective counsel.

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant that:

1. The within action shall be remanded back to the Supreme Court of the State of New York, County of New York (under Index Number 655420/2023).
2. Plaintiff shall have thirty (30) days to reply, respond or otherwise move with respect to Defendant's counterclaims, measured from the date of the filing of a "so ordered" copy of the within stipulation with the Supreme Court of the State of New York, County of New York.
3. Upon remand and with respect to Defendant's RICO counterclaim, Plaintiff agrees that it will not assert that the Supreme Court of the State of New York lacks jurisdiction to hear Defendant's RICO counterclaim. However, Plaintiff reserves all other rights with respect to Defendant's RICO counterclaim including, but not limited to, moving to dismiss said counterclaim on the ground that it fails to set forth a valid cause of action and/or a claim upon which relief may be granted. In the event of any such dismissal of Defendant's RICO counterclaim, Defendant reserves the right, to the extent it has any such right, to commence a separate action alleging its RICO claims, including in federal court should appropriate jurisdiction exist; however, nothing contained herein should be construed as Plaintiff consenting to



Defendant commencing any such separate action alleging its RICO claims, or as Plaintiff agreeing that Defendant has right to commence any such separate action alleging its RICO claims.

IT IS FURTHER AGREED AND STIPULATED that this stipulation may be executed in counterparts and by using electronic, scanned or telefaxed signatures, with the same effect as original signatures.

Dated: January 2, 2024

CERMELE & WOOD LLP
Attorneys for Defendant

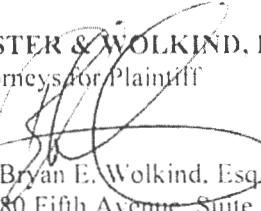
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Dated: January 2, 2024
Dated: December 2023

FOSTER & WOLKIND, P.C.
Attorneys for Plaintiff

By:


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SO ORDERED this
day of , 20

Hon. Colleen McMahon
U.S.D.J.